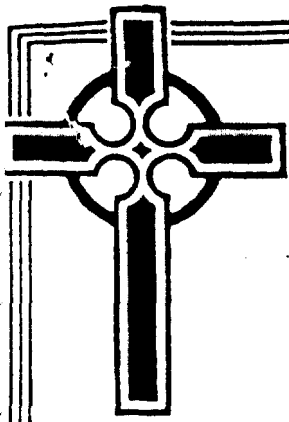


Members of St. Aelred's Parish and the Manager and staff of PRIDE Radio stand in solidarity with the communities of KJRP-FM and KSSB-FM.

We have offered the managers and staffs of both campus radio stations all our support, information and documentation. We offer to the faculty, staff and students of both campuses whatever form of solidarity we are able to provide. We hope that both campuses will continue to be served by their respective radio stations, and we wish for both campuses that their productions will be vindicated.

Sincerely,

Father J.E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio at 102.5 FM



ST. AELRED'S PARISH Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 8, 1994

Editor
Tom Tom Beat
Student Services
San Bernardino Valley College
701 South Mount Vernon Avenue
San Bernardino, California 92410

AN OPEN LETTER TO THE FACULTY, STAFF AND STUDENT BODY

Dear Friends:

A recent series of articles in *The Sun* about KJRP-FM and KSSB-FM have raised concern on the campuses of San Bernardino Valley College and California State University at San Bernardino. Unfortunately, both of these stations have been turned off and have received Notices of Apparent Liability from the Federal Communications Commission.

The articles in *The Sun* have presented misinformation and, we believe, deception which implies that PRIDE Radio at 102.5 FM is the cause for the inspection of both campus stations and the resulting NAL's. These articles also indicate that PRIDE Radio filed complaint with the FCC against the campus radio stations on the pretext of discrimination on the basis of sexual orientation.

St. Aelred's Parish of the Sarum Episcopal Church is the sole owner and operator of PRIDE Radio at 102.5 FM. We categorically state that no officer of St. Aelred's Parish or of PRIDE Radio has ever at any time, directly or indirectly, formally or informally, in writing or orally stated or implied complaint or dissatisfaction with either campus station, particularly on the issue of discrimination. To the contrary, we have held KJRP-FM and KSSB-FM in high esteem, with the sincere hope and prayer that each station would continue to serve its respective community for many years to come. The clergy and mem-

bers of St. Aelred's Parish and the Manager and staff of PRIDE Radio stand in solidarity with the communities of KJRP-FM and KSSB-FM.

We have offered the managers and staffs of both campus radio stations all our support, information and documentation. We offer to the faculty, staff and students of both campuses whatever form of solidarity we are able to provide. We hope that both campuses will continue to be served by their respective radio stations, and we wish for both campuses that their productions will be vindicated.

Sincerely,

Father J.E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio at 102.5 FM

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FCC 95-24

In the Matter of
the Commission's Forfeiture
Policy Statement and
Amendment of Section 1.80
of the Rules to Incorporate
the Forfeiture Guidelines

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CI Docket No. 95-6

NOTICE OF PROPOSED RULEMAKING

Adopted: January 13, 1995

Released: February 10, 1995

Comment Date: March 27, 1995

Repy Comment Date: April 17, 1995

By the Commission:

I. Introduction

1. In United States Telephone Association v. FCC, 28 F.3d 1232 (D.C. Cir. 1994), the United States Court of Appeals for the District of Columbia Circuit set aside the Commission's Policy Statement, Standards for Assessing Forfeitures, 6 FCC Rcd 4695 (1991), recon. denied, 7 FCC Rcd 5339 (1992), revised, 8 FCC Rcd 6215 (1993) (Forfeiture Policy Statement). The Court found that the Forfeiture Policy Statement as implemented by the Commission had the status of a rule and thus was improperly issued without notice and comment. See 5 U.S.C. § 553(b). This Notice of Proposed Rulemaking (NPRM) seeks comments on the Forfeiture Policy Statement and proposes to amend Section 1.80 of the Commission's Rules, 47 C.F.R. § 1.80, by adding a note that incorporates the guidelines for assessing FCC forfeitures.

II. DISCUSSION

2. The proposed forfeiture guidelines are identical to the 1993 version appended to the Forfeiture Policy Statement and are attached as Appendix A. If adopted, we would be guided by these guidelines, but remain free to exercise

note to our forfeiture rule (47 C.F.R. § 1.80) and to clarify that the guidelines set forth general guidance that the Commission and the staff may choose to apply in appropriate cases. We continue to believe that, ultimately, every decision must be based on the specific facts and equities at issue, taking into account the factors set forth in Section 503(b)(2)(D) of the Act, 47 U.S.C. § 503(b)(2)(D). Thus, under the Policy Statement the Commission would retain discretion to depart from the guidelines in appropriate circumstances. In this regard, we stress that the adjustment factors set forth in the guidelines, which track Section 503(b)(2)(D) closely, are not intended to be exclusive adjustment factors. Similarly, it is not our intent that the guidelines be read to require that a forfeiture be issued in any particular case. The Commission would retain discretion not to issue a forfeiture in particular circumstances. We ask for comment on this proposal and whether, in the alternative, we should adopt the guidelines as a binding rule.

6. If retained, we propose to apply the Forfeiture Policy Statement and guidelines to all forfeiture proceedings begun after the effective date of the Forfeiture Policy Statement and guidelines. For forfeiture proceedings begun but not completed before the effective date, we propose to reach decisions on a case-by-case basis as we have been doing since issuance of the USTA decision. We ask for comment on this approach and whether, if the Forfeiture Policy Statement and guidelines are adopted, they should be applied to all cases pending as of the time of their effective date.

7. Our goal in this proceeding is to carefully examine all issues related to the imposition of forfeitures based on a system of guidelines. We ask interested parties for their views and suggestions on any matters germane to resolving these issues.

III. CONCLUSION

8. This Notice of Proposed Rulemaking is issued under the authority contained in Sections 4(i), 303(r), and 503(b) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 303(r), 503(b). Pursuant to the applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before March 27, 1995, and reply comments April 17, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

V. Ordering Clause

17. IT IS ORDERED that the Secretary shall send a copy of this Notice of Proposed Rulemaking to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No., 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601 et seq. (1994).

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

Note: GUIDELINES FOR ASSESSING FCC FORFEITURES²

I. BASE AMOUNTS FOR SECTION 503 FORFEITURES

VIOLATION	% of Stat. Max.	BC/CABLE \$25,000	CC \$100,000	OTHER \$10,000
Misrepresentation/lack of candor	80%	20,000	80,000	8,000
Construction and/or operation without an instrument of authorization for the service	80%	20,000	80,000	8,000

² The Commission and its staff may use these guidelines in particular cases. The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute. The forfeiture ceilings per violation or per day for a continuing violation stated in Section 503 of the Communications Act and the Commission's Rules are \$100,000 for common carriers or applicants, \$25,000 for broadcasters and cable operators or applicants, and \$10,000 for all others. These base amounts listed are for a single violation or single day of a continuing violation. 47 U.S.C. § 503(b)(2); 47 C.F.R. § 1.80. For continuing violations involving a single act or failure to act, the statute limits the forfeiture to \$1,000,000 for common carriers or applicants, \$250,000 for broadcasters and cable operators or applicants, and \$75,000 for all others. Id. There is an upward adjustment factor for repeated or continuous violations, see Section II, infra. That upward adjustment is not necessarily applied on a per violation or per day basis. Id. Unless Commission authorization is required for the behavior involved, a Section 503 forfeiture proceeding against a non-licensee or non-applicant who is not a cable operator or is not operating in the radio control or citizens band radio service can only be initiated for a second violation, after issuance of a citation in connection with a first violation. 47 U.S.C. § 503(b)(5). A citation is not required, however, for non-licensee tower owners who have previously received notice of the obligations imposed by Section 303(q) from the Commission or the permittee or licensee who uses that tower. Id. Forfeitures issued under other sections of the Act are dealt with separately in Section III below.

Sec. 219(b)	Common carrier reports	\$1,200
Sec. 220(d)	Common carrier records & accounts	\$6,000/day
Sec. 223	Dial-a-Porn	\$50,000 maximum/day
Sec. 364/386	Ship radio	\$5,000/day (owner) \$1,000 (master)
Sec. 506	Great Lakes Agreement	\$500/day (owner) \$100 (master)
Sec. 634	Cable EEO	\$500/day

Note: Non-section 503 forfeitures may be adjusted downward using the "Downward Adjustment Criteria" shown for section 503 forfeitures in Section II above.

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

CI Docket No. 95-6

**Public comment on the matter of proposed rule making on the
commission's forfeiture policy statement.**

I. Introduction

The San Bernardino Coalition for Low Power FM Broadcasting wishes to comment and give suggestion in the matter of the Notice of Proposed Rulemaking. Several of its members have recently dealt with the FCC's NAL issuance procedures shortly before the United States Telephone Association v. FCC court ruling. In January and February of 1994, St. Aelred's Parish of San Bernardino, California State University San Bernardino, and San Bernardino Valley College all received individual NAL's for \$8,000.00 for attempting to broadcast in each case less than one watt. Although all of these NAL accounts have been closed and settled, members of the San Bernardino Coalition for Low Power FM Broadcasting are interested in pursuing a better conclusion to this unhappy ending. The FCC needs to address low powered minor violations, as well as ones for larger license holders. An appropriate NAL fee schedule for small entities trying to legally use the airwaves should be developed. The FCC should not apply major fines to minor violations.

II. Discussion

In each case the organizations from San Bernardino bent over backwards to avoid breaking the law, and avoiding a fine. In the case of St. Aelred's, the members of the parish notified and corresponded with the FCC via registered mail prior to broadcast to insure conformity. All parties were trying to broadcast under part 15 rules of the FCC rules and guidebook. Without exception all became entangled in the ambiguous task of trying to measure the minuscule. The minuscule being 250 mv @ 3 meters. Due to large fines, students payed money out of activity funds, church dollars meant for charity payed the price of defense, and tax dollars appropriated for education were diverted to the FCC in the name of this erred rule enforcement. A rule that never received public comment in the first place. The current scheme is meant to impose hurt and harm on the large mega-corporations and spells destruction for any organization that does not have the super-funds or vast resources to defend themselves.

III. Conclusion

The San Bernardino Coalition for Low Powered Broadcasting wants further reply to the above statements, and needs of an appropriate fine schedule, and wish to give suggestion on how to treat minor offenses. In the near future we will reply to these comments. As well, we urge the commission to hear our comments and suggestions on the current stand and policy provided toward low power FM broadcasting. We urge further comment by any and all interested parties on this issue. Correspondence with the San Bernardino Coalition for Low Powered FM Broadcasting is welcomed. Letters should be addressed to the SBCLPFM at 1580 No. "D" Street #6, San Bernardino, CA. 92404.

S/ Mark Westwood, SBCLPFM Chairman.